

ORDINANCE NUMBER O- 21016 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 10 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A FOURTH AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND SAN DIEGO FREE RIDE, LLC AND TAG-A-LONG SAN DIEGO, LLC FOR A DEMAND-RESPONSE DOWNTOWN CIRCULATOR SHUTTLE AND APPROVING RELATED FUNDING.

WHEREAS, Civic San Diego, a California nonprofit public benefit corporation (CivicSD), and San Diego Free Ride, LLC, a California limited liability company, and Tag-A-Long San Diego, LLC, a California limited liability company (collectively, Contractor), entered into that certain agreement, dated April 20, 2016, as amended by the first amendment, dated November, 2017; second amendment dated June 8, 2021; and third amendment dated June 2, 2022 (collectively, Agreement), to provide for Contractor's operation of a demand-response circulator shuttle in downtown San Diego; and

WHEREAS, CivicSD assigned its rights and obligations under the Agreement to the City of San Diego (City) under that certain Assignment and Assumption Agreement dated June 18, 2019; and

WHEREAS, the City desires to extend the term of the Agreement for one year to continue uninterrupted circulator services downtown (Fourth Amendment) while partnering with the San Diego Associations of Governments (SANDAG) on a competitive procurement for a variety of flexible fleet vendors to provide shuttle services throughout the City, and a copy of the Fourth Amendment is included in the backup materials accompanying this Ordinance; and

WHEREAS, San Diego Charter Section 99 generally provides that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than five

years may be authorized except by an ordinance approved by a two-thirds majority vote of the City Council; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. The City Council approves the Fourth Amendment.

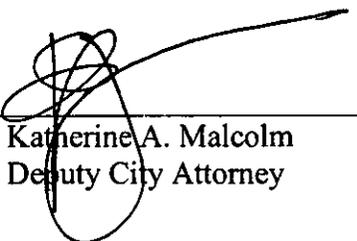
Section 2. The Mayor, or designee, is authorized and directed to sign the Fourth Amendment. A copy of the Fourth Amendment, when fully executed, shall be placed on file with the City Clerk as Document No. OO- 21615.

Section 3. The Chief Financial Officer is authorized and directed to appropriate and expend an amount not to exceed \$1.2 million from Fund 200489, Downtown Community Parking District Fund, for the continued circulator services downtown, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 4. A full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

Section 5. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage.

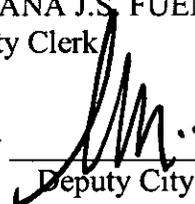
APPROVED: MARA W. ELLIOTT, City Attorney

By:   
Katherine A. Malcolm  
Deputy City Attorney

KAM:  
01/25/2023  
Or.Dept: Sustainability & Mobility  
Doc. No.: 3201224

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 28 2023.

DIANA J.S. FUENTES  
City Clerk

By:   
Deputy City Clerk

Approved: 3/9/23  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

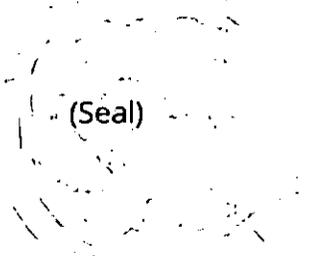
(The date of final passage is March 10, 2023 which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on February 28, 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 10 2023.

AUTHENTICATED BY:



(Seal)

TODD GLORIA  
Mayor of The City of San Diego, California.

DIANA J. S. FUENTES  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

February 14, 2023, and on MAR 10 2023.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.



(Seal)

DIANA J. S. FUENTES  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 21616